



**HUMAN RESOURCES OFFICE
TECHNICIAN / AGR ADMINISTRATIVE INSTRUCTION**

Number: 04-18

3 May 2004

UPDATE

**POLICY REGARDING ACTIVE GUARD RESERVE PERSONNEL
& MILITARY TECHNICIANS IN SUPPORT OF EMERGENCY SITUATIONS FOR
STATE ACTIVE DUTY (SAD)**

NO EXPIRATION DATE

All other TAAs issued for this subject are hereby revoked.

The following policies pertain to the use of California National Guard Active Guard Reserve (AGR) personnel and Military Technicians in State Active Duty emergency situations.

1. **ARMY AGR PERSONNEL:** Reference NGR (AR) 600-5, chapter 3-3, dated 20 February 1990

a. When the soldier's **unit of assignment** has been activated under the lawful orders of the Governor, AGR personnel may perform duties on Emergency State Active Duty (ESAD) when the duties are directly related and inherent with their MTOE or TDA duty.

b. **Individual** AGR soldiers will not be ordered to perform emergency state missions without coordination through the Directorate of Human Resource and approval from the Chief, National Guard Bureau. Please request, in writing, to CAJS-HR-AGR.

(1) Soldiers will not be required, directed, or pressured to use leave.

(2) Soldiers volunteering for ESAD are entitled to retain their state compensation. Those who are **not** on leave will repay entitlements to the servicing financial activity.

(3) Soldiers who volunteer and elect leave and subsequently their unit of assignment is ordered to ESAD, leave will be terminated and the soldier will return to duty to perform IAW 1a. above.

2. **AIR AGR PERSONNEL:** Reference Memorandum dated 2 Oct 2002, FROM: ANG/DP, Subject: Active Guard/Reserve (AGR) performing State Active Duty

a. All references to allow AGR to perform ESAD in ANGI 36-101 were deleted with the rewrite dated 3 May 2002.

b. There is currently no authority in law for AGR to perform ESAD, not even when they are in a leave status. Therefore, **the use of Air AGR on ESAD is prohibited at this time.**

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3. TECHNICIAN PERSONNEL (ARMY & AIR)

- a. Technicians should not be ordered to ESAD when their duties fall within their position description. If the technician elects to remain in technician status for services required by ESAD after completion of the normal workday or weekend, compensatory time is appropriate and in accordance with TPR 990-2. Technicians working on a holiday are entitled to holiday pay.
 - b. Technicians who are ordered to ESAD during their regular work schedule must elect annual leave, leave without pay (LWOP), or compensatory time off.
 - c. Technicians who are ordered to ESAD that is performed in its entirety outside of their technician duty hours need not take leave or report earnings from that SAD to technician pay.
 - d. Law Enforcement Leave (LEL) is authorized without loss or reduction of leave for the purpose of providing support of civil authorities to enforce the law or aid in the protection of life and property under 5 U.S.C. 6323 (c). Further guidance on LEL is provided under TAAI 04-04.
 - e. Military leave, excused absence and administrative leave are not authorized while performing ESAD.
4. If you need additional information for Air and Army technician, Air AGR, contact Captain Ewing at CAGNET 6-3402, DSN 466-3402 or 916.854.3402. For additional information on Army AGR soldiers, contact Major Merritt at CAGNET 6-3403, DSN 466-3403 or 916.854.3403.

FOR THE ADJUTANT GENERAL:



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AIR: TA